

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Case # 3:17-cv-00686-RCJ-PAL

Eyetaalk365, LLC  
Plaintiff(s),  
vs.  
Zmodo Technology Corporation Limited  
Defendant(s).

**VERIFIED PETITION FOR  
PERMISSION TO PRACTICE  
IN THIS CASE ONLY BY  
ATTORNEY NOT ADMITTED  
TO THE BAR OF THIS COURT  
AND DESIGNATION OF  
LOCAL COUNSEL**

FILING FEE IS \$250.00

Marcus A. Barber, Petitioner, respectfully represents to the Court:  
(name of petitioner)

1. That Petitioner is an attorney at law and a member of the law firm of

Kasowitz Benson Torres LLP  
(firm name)

with offices at 333 Twin Dolphin Drive, Suite 200,  
(street address)

Redwood Shores, California, 94065,  
(city) (state) (zip code)

650-453-5413, mbarber@kasowitz.com,  
(area code + telephone number) (Email address)

2. That Petitioner has been retained personally or as a member of the law firm by

Zmodo Technology Corporation Limited to provide legal representation in connection with  
[client(s)]

the above-entitled case now pending before this Court.

3. That since December 9, 2015, Petitioner has been and presently is a  
 (date)  
 member in good standing of the bar of the highest Court of the State of California  
 (state)  
 where Petitioner regularly practices law. Petitioner shall attach a certificate from the state bar or  
 from the clerk of the supreme court or highest admitting court of each state, territory, or insular  
 possession of the United States in which the applicant has been admitted to practice law certifying  
 the applicant's membership therein is in good standing.

4. That Petitioner was admitted to practice before the following United States District  
 Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States and Courts  
 of other States on the dates indicated for each, and that Petitioner is presently a member in good  
 standing of the bars of said Courts.

| Court  | Date Admitted | Bar Number |
|--|---------------|------------|
| California State Bar                               | Dec. 9, 2015  | 307361     |
| South Carolina State Bar                           | Nov. 17, 2008 | 77711      |
| Georgia State Bar                                  | June 3, 2011  | 288188     |
| US District Court, Northern District of California | Dec. 18, 2015 |            |
| US District Court, Northern District of Georgia    | Jan. 9, 2012  |            |
| US Court of Appeals for the Federal Circuit        | Feb. 26, 2015 |            |
| US District Court, Eastern District of Texas       | Jan. 9, 2015  |            |

5. That there are or have been no disciplinary proceedings instituted against petitioner,  
 nor any suspension of any license, certificate or privilege to appear before any judicial, regulatory  
 or administrative body, or any resignation or termination in order to avoid disciplinary or  
 disbarment proceedings, except as described in detail below:

(State "none" if Petitioner has no disciplinary proceedings, etc.) None

6. That Petitioner has never been denied admission to the State Bar of Nevada. (Give particulars if ever denied admission):

(State "none" if Petitioner has never been denied admission.) None

7. That Petitioner is a member of good standing in the following Bar Associations.

(State "none" if Petitioner is not a member of other Bar Associations.)

State Bar of California  
State Bar of South Carolina  
State Bar of Georgia

8. Petitioner has filed application(s) to appear as counsel under Local Rule IA 11-2 (formerly LR IA 10-2) during the past three (3) years in the following matters: (State "none" if no applications.)

| Date of Application | Cause          | Title of Court<br>Administrative Body<br>or Arbitrator | Was Application<br>Granted or<br>Denied |
|---------------------|----------------|--|---|
| February 11, 2016   | 2-Way v Cellco | USDC Nevada  | Granted                                 |
|                     |                |  |   |
|                     |                |  |   |
|                     |                |  |   |
|                     |                |  |   |


(If necessary, please attach a statement of additional applications)

9. Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada.

10. Petitioner agrees to comply with the standards of professional conduct required of the members of the bar of this court.

11. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

1 That Petitioner respectfully prays that Petitioner be admitted to practice before this Court  
2 FOR THE PURPOSES OF THIS CASE ONLY.

3 

4 Petitioner's signature

5 STATE OF California )  
6 COUNTY OF San Mateo )

7 Marcus A. Barber, Petitioner, being first duly sworn, deposes and says:


8 That the foregoing statements are true.

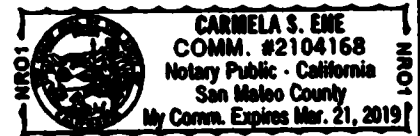
9 

10 Petitioner's signature

11 Subscribed and sworn to before me this

12 25<sup>th</sup> day of June, 2018.

13   
14 Notary Public or Clerk of Court



16 A notary public or other officer completing this certificate verifies only the identity of the individual who signed the  
17 document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

18 **DESIGNATION OF RESIDENT ATTORNEY ADMITTED TO  
19 THE BAR OF THIS COURT AND CONSENT THERETO.**

20 Pursuant to the requirements of the Local Rules of Practice for this Court, the Petitioner  
21 believes it to be in the best interests of the client(s) to designate Chad R. Fears,  
22 (name of local counsel)  
23 Attorney at Law, member of the State of Nevada and previously admitted to practice before the  
24 above-entitled Court as associate resident counsel in this action. The address and email address of  
25 said designated Nevada counsel is:

26 2300 West Sahara Avenue, Suite 900,  
27 (street address)

28 Las Vegas, Nevada, 89102,  
(city) (state) (zip code)

702-805-0290, cfears@cfstrialaw.com,  
(area code + telephone number) (Email address)

1 By this designation the petitioner and undersigned party(ies) agree that this designation constitutes  
2 agreement and authorization for the designated resident admitted counsel to sign stipulations  
3 binding on all of us.  
4

5 **APPOINTMENT OF DESIGNATED RESIDENT NEVADA COUNSEL**  
6

7 The undersigned party(ies) appoint(s) Chad R. Fears as  
8 his/her/their Designated Resident Nevada Counsel in this case.  
9  
10

11 HX  
12 (party's signature)

13 Henry Haipeng Xiao, General Counsel for the International Division  
14 (type or print party name, title)

15   
16 (party's signature)

17   
18 (type or print party name, title)

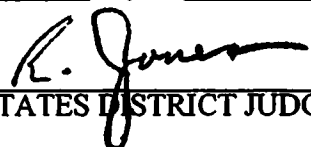
19 **CONSENT OF DESIGNEE**

20 The undersigned hereby consents to serve as associate resident Nevada counsel in this case.  
21

22   
23 Designated Resident Nevada Counsel's signature

24 6970 cfears@efstriallaw.com  
25 Bar number Email address

26 APPROVED: 28 day of June, 2018.  
27 Dated: this

28   
UNITED STATES DISTRICT JUDGE



## **THE STATE BAR OF CALIFORNIA**

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

### **CERTIFICATE OF STANDING**

June 21, 2018

#### **TO WHOM IT MAY CONCERN:**

This is to certify that according to the records of the State Bar, **MARCUS ALAN BARBER, #307361** was admitted to the practice of law in this state by the Supreme Court of California on December 9, 2015; and has been since that date, and is at date hereof, an **ACTIVE** member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Trustees or a Disciplinary Board to the Supreme Court of the State of California.

**THE STATE BAR OF CALIFORNIA**

A handwritten signature in black ink, appearing to read "D.V.", followed by a horizontal flourish.

Denise Velasco  
Custodian of Membership Records



## Supreme Court of California

JORGE E. NAVARRETE  
*Clerk and Executive Officer of the Supreme Court*

### CERTIFICATE OF THE CLERK OF THE SUPREME COURT

OF THE

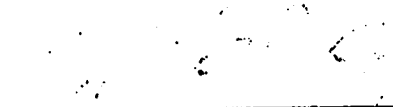
STATE OF CALIFORNIA

**MARCUS ALAN BARBER**

*I, JORGE E. NAVARRETE, Clerk/Executive Officer of the Supreme Court of the State of California, do hereby certify that **MARCUS ALAN BARBER, #307361**, was on the **9th** day of **December, 2015**, duly admitted to practice as an attorney and counselor at law in all the courts of this state, and is now listed on the Roll of Attorneys as a member of the bar of this state in good standing.*

*Witness my hand and the seal of the court  
on the 21st day of June, 2018.*

JORGE E. NAVARRETE  
*Clerk/Executive Officer of the Supreme Court*

By:   
*Robert R. Toy, Senior Deputy Clerk*



## State Bar of Georgia

*Lawyers Serving the Public and the Justice System*

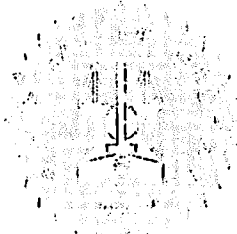
**Mr. Marcus Alan Barber**  
**Kasowitz Benson Torres LLP**  
**333 Twin Dolphin Drive, Suite 200**  
**Redwood Shores, CA 94065**

**CURRENT STATUS:** Active Member-Good Standing  
**DATE OF ADMISSION:** 06/03/2011  
**BAR NUMBER:** 288188  
**TODAY'S DATE:** 06/22/2018

The prerequisites for practicing law in the State of Georgia are as follows:

- Certified by the Office of Bar Admissions, either by Exam, or on Motion (Reciprocity).
- Sworn in to the Superior Court in Georgia, highest court required to practice law in Georgia.
- Enrolled with the State Bar of Georgia, administrative arm of the Supreme Court of Georgia.

This member is currently in "good standing" as termed and defined by State Bar Rule 1-204. The member is current in license fees and is not suspended or disbarred as of the date of this letter.



### STATE BAR OF GEORGIA

*Brinda Lovvorn*

Official Representative of the State Bar of Georgia

**HEADQUARTERS**  
104 Marietta St. NW, Suite 100  
Atlanta, GA 30303-2743  
404-527-8700 • 800-334-6865  
Fax 404-527-8717  
[www.gabar.org](http://www.gabar.org)

**COASTAL GEORGIA OFFICE**  
18 E. Bay St.  
Savannah, GA 31401-1225  
912-239-9910 • 877-239-9910  
Fax 912-239-9970

**SOUTH GEORGIA OFFICE**  
244 E. 2nd St. (31794)  
P.O. Box 1390  
Tifton, GA 31793-1390  
229-387-0446 • 800-330-0446  
Fax 229-382-7435



# **The Supreme Court of South Carolina**

## **Certificate of Good Standing**

I, Daniel E. Shearouse, Clerk of the Supreme Court of South Carolina, do hereby certify that Marcus Alan Barber was duly sworn and admitted as an attorney in this state on November 17, 2008, and is currently a regular member of the South Carolina Bar in good standing.

DANIEL E. SHEAROUSE, CLERK

BY Margaret C. McGee  
DEPUTY CLERK FOR BAR ADMISSIONS

Columbia, South Carolina

June 22, 2018